

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

**DISABLED PATRIOTS OF AMERICA, INC., a Florida not for profit corporation, and BONNIE KRAMER, individually,** : Case No.: 1:07-cv-06363  
Plaintiffs, : Virginia M. Kendall  
vs. :  
**SIMON PROPERTY GROUP (DELAWARE), INC., a Delaware corporation,** :  
Defendant. :

## **JOINT STATUS REPORT**

Plaintiffs, DISABLED PATRIOTS OF AMERICA, INC. and BONNIE KRAMER (hereinafter collectively referred to as “Plaintiffs”) and Defendant, SIMON PROPERTY GROUP (DELAWARE), INC. (“Simon”), pursuant to the Court’s Case Management Procedures hereby filed their Joint Status Report and state as follows:

#### **A. Nature of the Case:**

1. **Lead Attorneys.** The lead attorneys on this case are:

Thomas B. Bacon, Esq., Counsel for Plaintiffs  
Scott G. Salemi, Esq. Counsel for Defendants

**2. Basis for Federal Jurisdiction.** The basis for federal jurisdiction: Plaintiffs seek injunctive relief pursuant to the Americans With Disabilities Act, 42 U.S.C. Sections 12181, et seq. (“ADA”).

**3. Nature of the Claim/Counterclaims.** Plaintiffs seek to remove barriers to access they allege are present at the Defendant's place of public accommodation pursuant to the ADA. No counterclaims are contemplated at this time.

4. **Service of Parties.** Simon has been served, but asserts it is not the owner or operator of the facility at issue.

5. **Principal Legal Issues:** The principal issues are whether Defendant's place of public accommodation is in violation of the ADA, whether remedial measures necessary to remedy said alleged violations are readily achievable, and whether Plaintiffs are entitled to the reasonable costs, litigation expenses and attorney fees incurred in this action.

6. **Principal Factual Issues:** Whether there exist barriers to disabled access present at Defendant's place of public accommodation.

**B. Discovery.**

1. **Completed/Remaining Discovery.** The parties have not completed any discovery to date due to tentative settlement discussions as more fully set forth below in Section D. The parties have agreed to withhold conducting any formal discovery for a period of ninety (90) days while the parties discuss settlement. To the extent settlement discussion are not satisfactorily progressing or have not been completed within ninety (90) days, Plaintiffs have the right to conduct their own Rule 34 inspection and either party has the right to serve interrogatories, requests for production of documents, requests for admissions or take depositions.

2. **Pending/Anticipated Motions.** Plaintiffs' Motion to Amend Complaint, if necessary.

3. **Previous Rulings.** None.

4. **Previous Status Reports.** None.

**C. Trial.**

1. **Consent to Magistrate.** The parties do not consent to a trial before the Magistrate Judge.

2. **Trial.** The estimate of the trial in this matter will be five (5) to seven (7) days and will be non-jury.

**D. Settlement.**

1. **Status of Settlement Discussions.** During the ninety (90) day time period the parties have agreed to withhold conducting discovery, Simon's expert will perform an inspection of the property at issue and the parties will negotiate a settlement based upon that inspection.

**E. Status Conference.**

This case should be set for a status conference in mid-April of 2008, pending settlement negotiations. The principal attorney for each party shall appear at that time prepared to discuss all aspects of the case.

**Signatures:**

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